

Senate File 176 - Introduced

SENATE FILE 176

BY BOLKCOM

A BILL FOR

1 An Act relating to discharge point signs under the Iowa
2 national pollutant discharge elimination system program and
3 providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 455B.189 Discharge point signs —
2 penalty — exceptions.

3 1. A person paying an annual permit fee for an Iowa national
4 pollutant discharge elimination system program permit listed
5 under section 455B.197, subsection 3, shall post or erect a
6 conspicuous and legible sign of not less than eighteen inches
7 by twenty-four inches at all points of discharge to surface
8 waters. The location of the sign on the property of the permit
9 holder shall be as close in proximity to the point of discharge
10 into the surface water as is reasonably possible while ensuring
11 the maximum visibility from the surface water and shore.

12 2. At a minimum, the sign shall include all of the
13 following:

14 a. A statement containing the words "Iowa state permitted
15 discharge point permit no. (insert permit number). For
16 information on this discharge you can contact: (insert contact
17 information)".

18 b. The Iowa national pollutant discharge elimination system
19 program permit number issued by the department.

20 c. The name and telephone number of the permit holder which
21 shall be the business office repository of the permit holder.

22 d. The internet address of an internet site sponsored by the
23 department where more information may be obtained.

24 3. A permit holder shall periodically and reasonably
25 maintain the sign to ensure that the sign is still legible,
26 visible, and factually correct. A good-faith documented effort
27 by the permit holder to maintain the sign is an affirmative
28 defense in any action relating to the unauthorized absence of
29 a sign.

30 4. A person violating a provision of this section is subject
31 to a civil penalty of not more than one hundred dollars per day
32 for each day such violation continues.

33 5. The department may grant a waiver of the requirements of
34 this section if the department determines a security concern
35 may exist due to the posting of a sign under this section.

1 6. This section shall not apply to a permit holder that is
2 an open feedlot operation as defined in section 459A.102 or an
3 animal feeding operation as defined in section 459.102.

4 Sec. 2. Section 455B.191, subsection 2, Code 2013, is
5 amended to read as follows:

6 2. Any person who violates any provision of part 1 of
7 division III of this chapter or any permit, rule, standard,
8 or order issued under part 1 of division III of this chapter
9 shall be subject to a civil penalty not to exceed five thousand
10 dollars for each day of such violation. This section shall not
11 apply to violations of section 455B.189.

EXPLANATION

13 This bill relates to Iowa national pollutant discharge
14 elimination system program signage.

15 The bill requires a person paying a permit fee for an
16 Iowa national pollutant discharge elimination system program
17 individual permit for nonstorm water to post or erect a
18 conspicuous and legible sign at all points of discharge to
19 surface waters. The bill provides size, content, and location
20 requirements for the signage.

21 The bill requires that a permit holder shall periodically
22 and reasonably maintain the sign to ensure that the sign is
23 still legible, visible, and factually correct. The bill
24 provides that a good-faith documented effort by the permit
25 holder to maintain the sign is an affirmative defense in any
26 action relating to the unauthorized absence of a sign. The
27 bill allows the department to grant waivers. The bill provides
28 that the signage requirements do not apply to permit holders
29 that are an open feedlot operation or an animal feeding
30 operation.

31 The bill provides for a civil penalty of not more than \$100
32 per day for each day a violation continues. The penalty in the
33 bill is in place of the general penalty provisions provided in
34 Code section 455B.191.